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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,048	10/08/2003	Michael Nally	57471/03-380	2716
22206	7590	05/18/2004	EXAMINER	
FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318			GRAHAM, MARK S	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

□

Office Action Summary

Application No.

10/681,048

Applicant(s)

NALLY ET AL.

Examiner

Mark S. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-18 and 20-25 is/are rejected.
- 7) ☒ Claim(s) 5 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/12/04</u> . | 6) <input type="checkbox"/> Other: ____. |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Yu, Fig. 6 embodiment. Yu discloses the claimed structure.

Regarding claim 2, Yu disclosing the claimed structure would inherently perform the claimed function.

Concerning claim 3, one of Yu's stacked fiber plates may be considered the screen with another of the plates being considered the sheet of material.

Claim 13 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mancuso.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu.

Regarding claims 7-9, Yu discloses the use of carbon fibers. However, the examiner takes official notice that graphite, fiberglass, and Kevlar are commonly known and used in such applications as well. It would have been obvious to one of ordinary skill in the art to have used such fibers as Yu's fibers to obtain a particular strength/flexibility characteristic provided by those fibers.

Concerning claim 10, the examiner takes official notice that metal ferrules are commonly known and used in conjunction with cue tips to fasten such to the stick and it would have been obvious to one of ordinary skill in the art to have used the same to fasten Yu's tip.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yu in view of You. Yu discloses the use of carbon fibers. However, titanium fibers are also known and used in the art as disclosed by You. It would have been obvious to one of ordinary skill in the art to have used such fibers as Yu's fibers to obtain a particular strength/flexibility characteristic provided by those fibers. A layer with these fibers may be considered the claimed screen.

Claims 12, 14, 15, 17, 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu in view of Mancuso. Yu in his Fig. 6 embodiment discloses the claimed device with the exception of the rigid sleeves joining the grip and slide portion. However, as disclosed by Mancuso it is known in the art to use such sleeves to join the cue sections together. It would have been obvious to one of ordinary skill in the art to have used sleeves such as Mancuso's on Yu's stick as well to make it more portable.

Regarding claims 17 and 20-24, the slide portion of Yu's stick, which includes the terminal end, is recessed relative to wooden portion 66 to accommodate the fiber layers one of which may be considered the screen and another of which may be considered the sheet of material.

Regarding claims 21-23, Yu discloses the use of carbon fibers. However, the examiner takes official notice that graphite, fiberglass, and Kevlar are commonly known

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and used in such applications as well. It would have been obvious to one of ordinary skill in the art to have used such fibers as Yu's fibers to obtain a particular strength/flexibility characteristic provided by those fibers.

Concerning claim 24, the examiner takes official notice that metal ferrules are commonly known and used in conjunction with cue tips to fasten such to the stick and it would have been obvious to one of ordinary skill in the art to have used the same to fasten Yu's tip.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 17 above, and further in view of You. Yu discloses the use of carbon fibers. However, titanium fibers are also known and used in the art as disclosed by You. It would have been obvious to one of ordinary skill in the art to have used such fibers as Yu's fibers to obtain a particular strength/flexibility characteristic provided by those fibers. A layer with these fibers may be considered the claimed screen.

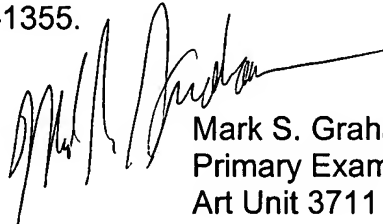
Claims 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Mancuso. Note Col. 2, line 15 of Chang which discloses that the stick, (which includes the terminal end) must be recessed prior to applying the strengthening wrap. Chang thus discloses the claimed device with the exception of the rigid sleeves joining the grip and slide portion. However, as disclosed by Mancuso it is known in the art to use such sleeves to join the cue sections together. It would have been obvious to one of ordinary skill in the art to have used sleeves such as Mancuso's on Chang's stick as well to make it more portable.

Claims 5 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Son-Kung, Wu, Kuo, Lai, Cerezo, and Lai Chuang have been cited for interest because they disclose similar devices.

Any inquiry concerning this communication should be directed to Mark S. Graham at telephone number 703-308-1355.

MSG
5/11/04

A handwritten signature in black ink, appearing to read 'Mark S. Graham', is positioned above the printed name and title.

Mark S. Graham
Primary Examiner
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